

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MILAN HEGGS, ROY BECKFORD and)
PHILIP LEGREE, individually)
and on behalf of a class of)
all others similarly situated,)
DISABILITY RIGHTS NEW YORK)
and DISABLED IN ACTION,)
)
Plaintiffs,)
Civil Action No.
-against-) 17-CV-03234(RJD)(TAM)
)
THE CITY OF NEW YORK, et al.,)
)
Defendants.)
-----)

REMOTE
DEPOSITION OF PHILIP LEGREE
Monday, January 31, 2022

Reported by:
FRANCIS X. FREDERICK, CSR, RPR, RMR
JOB NO. 205234

1 P. LE GREE
 2 A. L-A-W-R-E-N-C-E.
 3 Q. Do either of your children live
 4 with you?
 5 A. My daughter right now.
 6 Q. Does your son live with you?
 7 A. No.
 8 Q. Where does your son reside?
 9 A. Atlanta, Georgia.
 10 Q. Now, earlier, sir, you gave me
 11 your address in the Bronx where you currently
 12 reside. How long have you currently resided
 13 at that address?
 14 A. Well, I resided here -- I think I
 15 moved here in 2016. But -- or 2000 -- was it
 16 '16? Might be 2000 -- yeah, '16. But I was
 17 living in the same building and I moved to
 18 another apartment which you'll see on some of
 19 those -- that document with apartment number
 20 15G.
 21 Q. I see. So when you moved to your
 22 building in 2016 you lived in apartment 15G
 23 and at some point thereafter you moved to 6B;
 24 is that correct?
 25 A. No. When I moved to my building I

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 2 apartment 15G in your building did you use the
 3 stairs?
 4 A. No. I used the elevator. Fifteen
 5 flights is not something you want to climb up.
 6 Q. Does your wife currently live in
 7 your apartment?
 8 A. No. She's down south. In
 9 Atlanta.
 10 Q. What is your highest level of
 11 education, sir?
 12 A. I have two years of college taking
 13 up electrical engineering technology.
 14 Q. I just want to make sure I'm
 15 taking this down correctly, sir.
 16 Did you say electrical engineering
 17 and technology was your focus?
 18 A. It's called electrical engineering
 19 technology.
 20 Q. I see. And where did you do that
 21 two years of college, sir?
 22 A. At Bronx Community College.
 23 Q. Did you attain any degree from
 24 Bronx Community College?
 25 A. No. I came on out and I decided

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 2 moved -- first I went to -- when I first moved
 3 in I went to three different apartments. 6E
 4 was my first apartment in 1993. Then I went
 5 to 15G. And now I'm back at 6B.
 6 Q. And are all of these three
 7 apartments in the same building, sir?
 8 A. Yes, it is. Yes, they are.
 9 Q. So you moved to your current
 10 building in 1993.
 11 A. Um-hum.
 12 Q. Do you own or rent your apartment?
 13 A. Rent.
 14 Q. Are there any stairs in your
 15 apartment, sir?
 16 A. There's a staircase. But I have
 17 elevators.
 18 Q. And do you use the staircase in
 19 the building?
 20 A. No. I'm not able to use the
 21 staircase. I use the elevator.
 22 Q. And you told me you're currently
 23 in apartment 6B. Is that on the sixth floor?
 24 A. Yes.
 25 Q. And at the time that you lived in

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 2 to go to work and take up the job title
 3 electrical helper. And then from there I went
 4 to signal maintainer.
 5 Q. Other than the two years of
 6 college that you spent studying electrical
 7 engineering technology, do you have any other
 8 vocational training?
 9 A. Well, yeah. I took up electrical
 10 in high school. That was my major.
 11 Q. Did you go to high school in New
 12 York City?
 13 A. Yes, I did.
 14 Q. Which high school did you go?
 15 A. Chelsea Vocational High School.
 16 Q. And you studied electrical
 17 engineering in high school?
 18 A. Yeah, I studied electrical, right.
 19 Q. Do you hold any licenses, sir?
 20 A. Do I hold any licenses?
 21 Q. Yeah. Let me restate that.
 22 Do you hold any professional
 23 licenses?
 24 A. No. I just -- I went to schooling
 25 and I -- I don't know if you -- I guess they

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 2 BY MS. MARCOCCIA:
 3 Q. Do you know the amount of
 4 disability benefits you collected in or about
 5 2020, sir?
 6 A. No, I don't know.
 7 Q. So earlier when you said your
 8 disability is your legs, can you be more
 9 specific, sir?
 10 A. My patellar ruptured and my quad
 11 tendon ruptured. It was a surgical repair. A
 12 allograft was added in the left leg. My
 13 ability to walk and run like I used to is not
 14 there.
 15 Q. And, sir, when you said you had
 16 your patellar tendon and your quad tendon
 17 repaired, that repair was done at the Hospital
 18 for Special Surgery; is that right?
 19 A. Yes. On May 20th, 2014.
 20 Q. Do you use any assistive device?
 21 A. A cane.
 22 Q. When did you start using a cane?
 23 A. After I stopped using the walker I
 24 started using the cane at the end of 2015 --
 25 '14. End of 2014.

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 2 Q. Have you ever used any leg braces?
 3 A. Yeah. I had those on when I was
 4 in the -- right after they did the surgery
 5 they had the braces on my leg.
 6 Q. Have you ever used any leg braces
 7 other than immediately after your surgery in
 8 2014?
 9 A. No.
 10 Q. Do you have a prescription for
 11 your cane?
 12 A. I didn't know you needed a
 13 prescription for a cane. I just have a
 14 cane -- I have a cane. I'm sorry. I'm
 15 confused. I didn't know you needed a
 16 prescription for a cane. Maybe that's one of
 17 them high low ones. I just have a regular
 18 cane that I walk with.
 19 Q. So no one ever prescribed a cane
 20 for you or told you that you should use a
 21 cane; is that right?
 22 A. No. The people at Beth Abraham
 23 Hospital told me that I would need -- you
 24 know, they let me practice with a cane but
 25 when I left I left out using the walker. And

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 2 Actually, I'm sorry. Yeah. The
 3 end of 2014. Going into 2015.
 4 Q. End of 2014 going into 2015,
 5 that's when you started using the cane; is
 6 that right?
 7 A. Yeah. They started training me to
 8 use a cane when I went from the walker to the
 9 cane. In the physical therapy.
 10 Q. And prior to your use of the cane
 11 at the end of 2014 into the beginning of 2015,
 12 and you mentioned that you used a walker prior
 13 to that; is that right?
 14 A. Yeah.
 15 Q. For what period of time did you
 16 use a walker?
 17 A. From maybe July, August of 2014
 18 till about December of 2014.
 19 Q. Other than using a walker from in
 20 or about July or August of 2014 to about
 21 December of 2014 and your use of the cane
 22 starting at the end of 2014 and into 2015,
 23 have you ever used any other assistive
 24 devices?
 25 A. No.

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 2 then gradually as I did physical therapy at
 3 Symmetry in Pelham, New York, gradually they
 4 was able to get me from the walker to the cane
 5 with the physical therapy.
 6 Q. And so did I hear you correctly
 7 that you said after your surgery you did
 8 physical therapy in Pelham, New York; is that
 9 right?
 10 A. I had physical therapy at Beth
 11 Abraham in the Bronx about two blocks away
 12 from me. And then from there I had physical
 13 therapy at Symmetry Physical Therapy in
 14 Pelham, New York.
 15 Q. What was the name of the physical
 16 therapy facility, sir?
 17 A. Symmetry.
 18 Q. How do you spell that?
 19 A. S-Y -- I might not spell it right.
 20 Let me see if I have anything with the name.
 21 (Pause on the record.)
 22 A. I'll get back to you on the proper
 23 spelling of that.
 24 Q. That's fine, sir. We can just
 25 leave a blank in the transcript and you can

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2 Q. Okay. So you stayed there. You
3 didn't go home after you had your surgery; you
4 went to Beth Abraham. Is that right?

5 A. Right, right, right.

6 Q. Okay. And at the end of 2014 when
7 you left Beth Abraham you went home and you
8 started to do physical therapy at the Symmetry
9 facility; is that right?

10 A. Yeah.

11 Q. Okay. Thank you for clarifying
12 that.

13 Mr. LeGree, do you use a cane to
14 get around your apartment?

15 A. Depending on how I'm feeling, but
16 most times I can get around without it because
17 maybe I'm leaning on a wall or something like
18 that. And a sofa chair and all that. But I
19 use the cane -- but definitely I do not go
20 outside without the cane.

21 Q. And about how far are you able to
22 walk without the cane?

23 A. I don't chance that. That's
24 like -- in other words, I would not do a block
25 without the cane. You know, I'm too -- I'm

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2 too shaky with that.

3 Q. And just for the sake of clarity,
4 you don't -- or strike that.

5 You don't use any assistive device
6 currently other than a cane; is that right?

7 A. No, that's it.

8 Q. And since the time that you were
9 doing physical therapy at Symmetry you had not
10 used any assistive device other than a cane;
11 is that correct?

12 A. That's correct.

13 Q. So earlier when you referred to
14 using a walker and leg braces, that was just
15 immediately after your surgery in 2014; is
16 that correct?

17 A. Right. But now I want you to
18 understand, when I went to -- let me take you
19 through that. When I came from Beth -- from
20 Hospital for Special Surgery to Beth Abraham,
21 they had my legs in a -- watch you call it --
22 in a wheelchair sticking straight out. Right?
23 You know, I couldn't even put them down like a
24 person would normally but them down in an
25 wheelchair. So they were straight out. So it

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2 took a while because after he performed the
3 surgery, I'm going to say a good three weeks
4 or better, before they were able to go down.
5 And when they went down, they would -- you
6 know, it was painful, very painful.

7 So -- and then when I got to --
8 let me see -- yeah, then I had to go through
9 the procedure of telling me to attempt to
10 stand. You know? And at that time when I
11 stood, I didn't -- it had been -- the last
12 time I had stood was the day of the accident,
13 which was on the 27th of March. And I don't
14 think I stood until -- what was that? I would
15 say about -- I would say about August when I
16 stood for the first time and then they was
17 giving me therapy in there.

18 Q. August of 2014?

19 A. Yeah.

20 Q. And so August '14 was the first
21 time --

22 A. It might be -- you know what? It
23 might be -- say September. Say September
24 because I didn't leave there till December.
25 But it took me a little while before the --

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2 you know what I mean? Because, remember, I
3 had just come out of surgery. And you, you
4 have to -- remember, I was on a bed pan, you
5 know, because I couldn't walk. I was on a bed
6 pan there at Beth Abraham.

7 Q. So if I understood you correctly
8 you're saying that it was not until August or
9 September of 2014 that you stood for the first
10 time after your surgery?

11 A. Right. Stood. And then sat back
12 down. And then -- and then they would
13 gradually work in to have me, you know, with
14 the legs, move the legs little by little.

15 Q. Other than the knee injuries that
16 you described earlier, namely the injury to
17 your quad tendon in your right knee and your
18 injury to your patellar tendon in your left
19 knee, did you sustain any other injuries in
20 March of 2014?

21 A. No.

22 Q. Prior to your surgery at Hospital
23 for Special Surgery in or about May of 2014,
24 had you ever had any other surgeries?

25 A. Prior to leaving -- you mean with

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2 Q. Is that correct? Is that when you
3 were arrested by NYPD in August of 2019?

4 A. Yes.

5 Q. And can you tell me what you were
6 doing immediately prior to the incident that
7 led to your arrest?

8 A. Yes. I was waiting in the car for
9 the police to come.

10 Q. And what prompted you to wait in
11 your car for the police to come?

12 MS. STERN: Objection, relevance.

13 You can answer, Mr. LeGree.

14 A. There was a car stopped short and
15 the car tapped they car.

16 Q. I'm sorry, sir. I couldn't quite
17 hear that. Could you please repeat that?

18 A. A person stopped short and
19 double-parked and the car tapped their car.

20 Q. I'm not sure I understand. Were
21 you involved in some sort of a vehicle
22 accident?

23 A. Yeah. It wasn't no big thing. It
24 was a (audio distortion.)

25 Q. I'm sorry, sir. We're losing you.

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2 Could you -- and also we need to get your
3 video back, sir.

4 MS. STERN: The problem is that
5 when he looks on his phone at your screen
6 the video won't go through anymore.

7 MS. MARCOCCIA: Okay. If that's
8 what it is. Otherwise, I'd like to have
9 the plaintiff witness in view.

10 Q. But if it's easier for you, Mr.
11 LeGree, to view the document this way, that's
12 fine.

13 A. Yeah, that's what I want.

14 But for the moment, I'm just
15 asking you in general about -- because if I
16 can direct you to paragraph 112 it refers to a
17 vehicle collision.

18 Do you see that, sir?

19 A. Yeah.

20 Q. Okay. How many vehicles were in
21 involved in the collision?

22 A. Just two.

23 Q. And how was your vehicle involved
24 in the collision?

25 A. It was a tap. I wouldn't even

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2 call it a collision. It wasn't even no mark
3 on their vehicle. It wasn't...

4 Q. So you would object to the
5 articulation in paragraph 112 of the
6 incident as a collision. Is that fair?

7 A. They can use the word collision.
8 It's a tap. But it wasn't no damage, like,
9 you know, so I guess if you have -- you know,
10 you could hit something and bump it and I
11 guess a person could use the word collision.
12 You know what I mean? But depending on how
13 involved --

14 Q. So whose car hit whose? Were you
15 the vehicle that was hit or was it your
16 vehicle that ran into the other vehicle?

17 MS. STERN: I renew my objection
18 to this line of questions. But, Mr.
19 LeGree, you can answer.

20 A. I mean, really, I don't know. I'm
21 a little difficult with answering that because
22 I don't know what that has to do with what we
23 talking about at hand.

24 Q. Well, you don't have to worry
25 about that, sir. I mean, I ask the questions

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2 and your attorney, if she'd like to interpose
3 any objection and preserve that for the
4 record, she can do that. But, you know,
5 unless she instructs you not to answer you
6 have to answer the question. And, frankly, if
7 she did you instruct you not to answer that I
8 think that would be inappropriate.

9 A. Okay. Next question.

10 Q. Right. So the question was how
11 was your car involved in the collision or the tap
12 as you put it. I'm just trying to understand
13 how your vehicle was involved in the incident.

14 A. The person stopped short and the
15 car just tapped it, that's all.

16 Q. So you're saying the person in
17 front of you stopped short and your vehicle --

18 A. Yeah, they stopped short and
19 double-parked.

20 Q. So if I understand correctly, so
21 the vehicle in front of you stopped short and
22 then your car hit the vehicle in front of it
23 in some fashion; is that right?

24 A. Yes.

25 Q. And what happened after your

1 P. LE GREE
2 vehicle hit the vehicle in front of it?
3 MS. STERN: Again, note my
4 objection but, Mr. LeGree, you can
5 answer.
6 A. I don't feel good about rehashing
7 that because I was very upset about what
8 happened. So I really -- this is more or less
9 like rehashing this incident which has nothing
10 to do with how I was treated by NYPD.
11 Q. Well, it's part of your claim,
12 sir. So I'm entitled to ask you about it.
13 I'm asking you about the vehicle collision
14 that is referred to in paragraph 112. So I
15 would just like -- while I don't have to get
16 into the ins and outs of it I would like to
17 understand -- you've already told me that your
18 vehicle hit a vehicle in front of it in some
19 fashion. And so if you could please just
20 explain what happened immediately thereafter
21 for me.
22 MS. STERN: Perhaps let's go off
23 the record briefly. I'm going to call
24 Mr. LeGree, and we'll go right back on.
25 MS. MARCOCCIA: Well, I don't

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2 Complaint in regards to what you're claiming.
3 That's all. And, again, I understand you
4 haven't reviewed this document. But I just --
5 because this language is in the document I
6 have to ask you about it.
7 So if you could please just --
8 what happened immediately after your car hit
9 the car in front of it? Did you call -- did
10 someone call the NYPD?
11 A. Yes.
12 Q. Did you call NYPD or was it the
13 other person in the other vehicle?
14 A. The other person did.
15 Q. And at some point did NYPD appear
16 on the scene?
17 A. Yes.
18 Q. And how many officers from NYPD
19 appeared on the scene?
20 A. Two.
21 Q. Did you say two, sir?
22 A. Yes.
23 Q. And what happened when the two
24 officers appeared on the scene? Did you talk
25 to either of the officers?

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2 really want to do it while my question is
3 pending. I mean, can he just give me an
4 answer as to what happened immediately
5 thereafter. These aren't trick
6 questions. I'm really just trying to
7 understand what's in the Complaint.
8 So --
9 MS. STERN: I mean, again, as to
10 my objection, it is irrelevant to the
11 point of this claim. We're just talking
12 about the process of his arrest, not the
13 underlying arrest itself and the offense
14 that led up to it.
15 But, again, Mr. LeGree you could
16 answer.
17 A. Yeah, I would refrain from
18 answering. I feel uncomfortable answering
19 that.
20 Q. Well, I'm sorry, Mr. LeGree. You
21 can't refrain from answering. Your lawyer
22 just told you that you have to answer and
23 so -- look, as I said, these aren't trick
24 questions. I'm not trying to trick you. I'm
25 just trying to understand what's in the

1 P. LE GREE
2 A. Yeah.
3 Q. What did you say to the officers?
4 A. They asked me to step out the car.
5 And I told her I had to get my cane. And when
6 I went to get my cane, because of the way that
7 I walk, she turn around and assumed whatever
8 and then put the handcuffs on me. You know,
9 so...
10 Q. I didn't get the full answer. I
11 don't know if the court reporter did.
12 Otherwise, if you did, Mr. Frederick, if you
13 got it, if you could read it back to me.
14 Otherwise, I'll ask Mr. LeGree to repeat it.
15 THE COURT REPORTER: His audio was
16 pretty distorted.
17 MS. MARCOCCIA: Okay.
18 Q. Mr. LeGree, would you mind
19 repeating that? It kind of trailed off for
20 some reason. Mr. LeGree, could you repeat
21 your answer for me and the court reporter so
22 we make sure he takes it down accurately.
23 A. Yeah. She asked me to get out of
24 my vehicle. And I said I had to get my cane
25 but then when I got out, you know, to get my

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 2 cane, which was in the back seat, she turn
 3 around and she put the handcuffs on me.
 4 Q. And what happened after the
 5 handcuffs were put on you?
 6 A. They took me to the police car and
 7 took me to the precinct.
 8 Q. And did the officers take your
 9 cane with you when you all went to the
 10 precinct?
 11 A. Yeah. She brought the cane.
 12 Q. And how did you get from your
 13 vehicle to the police vehicle?
 14 A. Walking with me with my hands
 15 behind my back.
 16 Q. Did you walk with any assistance
 17 from the police officer or did you walk on
 18 your own?
 19 A. No. She was holding me.
 20 Q. And after you were in the police
 21 vehicle and they took you to the precinct, how
 22 did you get from the police vehicle -- well,
 23 actually, strike that.
 24 Do you remember which police
 25 precinct they took you to?

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 2 A. I had to wait in a cell.
 3 Q. So were you taken to a cell
 4 immediately after -- upon entering the
 5 precinct.
 6 A. Um-hum.
 7 Q. And were there other people in the
 8 cell that you were put in?
 9 A. No.
 10 Q. So you were by yourself?
 11 A. Yes.
 12 Q. And at that point in time did you
 13 have your cane with you?
 14 A. No. They took my sweat pants
 15 because they told me that I could use my
 16 string in my sweat pants to hang myself so
 17 they took them away from me so I was in my
 18 underwear.
 19 Q. At any time while you were at the
 20 precinct did you ask for your cane?
 21 A. Yes, I asked for my cane.
 22 Q. And who did you ask for your cane?
 23 A. The officer.
 24 Q. The same officer that guided you
 25 into the precinct?

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 2 A. 49th.
 3 Q. And that's in the Bronx, correct?
 4 A. Yes.
 5 Q. And when you got to the 49th
 6 Precinct how did you get from the police
 7 vehicle inside the precinct?
 8 A. By walking alongside me.
 9 Q. And was it one officer or both
 10 officers that walked alongside you?
 11 A. One.
 12 Q. And did that officer help, you
 13 guide you into the precinct?
 14 A. The one officer?
 15 Q. Yes, sir.
 16 A. Yeah.
 17 Q. So was there any time that you --
 18 from the time that you were in your vehicle
 19 and the police arrived to the time that you
 20 were at the precinct that you walked on your
 21 own without assistance from an officer?
 22 A. No.
 23 Q. And when you were at the precinct,
 24 sir, what happened next? When you got
 25 precinct what happened next?

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 2 A. Um-hum. But they didn't want me
 3 to have my cane in the cell because they look
 4 at the cane as a weapon.
 5 Q. So the officer told you that she
 6 didn't want you to have the cane in your cell
 7 because it could be used as a weapon; is that
 8 right?
 9 A. Just like they didn't want me to
 10 have my sweat pants on because she felt that
 11 string that you tie your sweat pants with, she
 12 felt that was weapon for me to kill myself.
 13 Q. And this female officer that
 14 helped you into the precinct and gave you this
 15 information, do you know her name?
 16 A. Tatatone or something like that.
 17 Q. Does the same Theresa Tartarone --
 18 A. That's it.
 19 Q. Is that the name?
 20 A. Yes.
 21 Q. Okay. And so Officer Tartarone
 22 was the officer that helped guide you into the
 23 precinct and then also processed the
 24 information while you were there; is that
 25 right?

1 P. LE GREE
 2 A. That's right.
 3 Q. And while you were in the precinct
 4 did you talk any other officer besides Ms.
 5 Tartarone?
 6 A. No.
 7 Q. What about the other officer that
 8 you said arrived on the scene; was that a male
 9 or a female?
 10 A. Female.
 11 Q. And do you know that officer's
 12 name?
 13 A. I don't remember her name.
 14 Q. Did you talk to that officer at
 15 all?
 16 A. I didn't have no real dialogue
 17 with her but that was the one that took my
 18 wallet.
 19 Q. And did she say anything to you?
 20 A. We didn't really have no -- too
 21 much conversation.
 22 Q. And when you say she took your
 23 wallet, do you mean for it to be vouchered?
 24 A. Yeah.
 25 Q. Did you have any other property

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 2 Q. Okay. But at all times it sounds
 3 like Officer Tartarone helped you and kept you
 4 steady as you were walking inside the
 5 precinct; is that correct?
 6 A. Yeah. She had it with attitude
 7 and had to -- she's shorter than me. I'm 6-1.
 8 You know, so she just -- like I said, I would
 9 have felt better with my cane but she was
 10 trying to rush me but I was like, Yo, you got
 11 my cane, you know, so I couldn't...
 12 Q. But she never let you walk on your
 13 own, correct? She was always there to guide
 14 you; is that right?
 15 A. She was there.
 16 Q. And then if I could refer you,
 17 sir, another paragraph. It's paragraph 116.
 18 It says: "Mr. LeGree could not sit straight
 19 in the back of the police vehicle and had to
 20 lie at an uncomfortable angle with his hands
 21 cuffed behind his back."
 22 Do you see that, sir?
 23 A. Yeah. That's correct.
 24 Q. And can you elaborate for me what
 25 it was that was uncomfortable about sitting in

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 2 with you that was vouchered other than your
 3 wallet?
 4 A. My chain.
 5 Q. Anything else?
 6 A. Maybe a ring.
 7 Q. And if you look at paragraph 120,
 8 sir, I just scrolled to it. I could make it
 9 larger if you need me to. So let me know if
 10 you can't see it. But it's on page 28. It's
 11 paragraph 120.
 12 So earlier you told me that
 13 Officer Tartarone helped guide you and helped
 14 you walk from the police vehicle to the
 15 precinct and your cell.
 16 Paragraph 120, however, says that
 17 the officers ordered you to exit the vehicle
 18 and walk the distance to the precinct?
 19 A. No, I didn't put that down. I
 20 mean -- no, no. Exit the vehicle and walk the
 21 distance. Yeah, yeah. Ordered Mr. LeGree to
 22 exit the vehicle and walk the distance to the
 23 precinct. Yeah. And I walked the distance
 24 with her with my hands behind my back. And
 25 her walking behind me up them steps.

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 2 the police vehicle?
 3 A. I'm 6-1. My legs, the way they
 4 have the back is pushed up I believe
 5 deliberately to make it uncomfortable for you
 6 back there. So I was like I said with my
 7 knees crunched up against that it was painful.
 8 You would have to be able to lay alongside,
 9 alongside, sideways in order not to be hurt
 10 and crunched up in back of that police
 11 vehicle.
 12 Q. During the time that you were the
 13 police vehicle did you ever tell either of the
 14 officers that you were uncomfortable?
 15 A. Yeah, they know that. They don't
 16 care about that. I don't know why we acting
 17 like this is a mystery. They don't care.
 18 Q. I'm asking you if you ever
 19 communicated that specifically --
 20 A. Yeah, yes, yes. I'm sorry. If
 21 I'm getting --
 22 Q. And what did you say?
 23 A. They didn't say anything. They
 24 don't care about that. They don't care about
 25 that.

P. LE GREE

Q. What did you say, sir? That's what I'm asking.

A. I said it's uncomfortable back here. I'm putting myself in here sideways. They were just not caring about it. They were very non-caring. And it was like -- and I'm not making this up. I got no thing against the police. Actually, I went to the appeal for the last two that was killed. But these particular ones, they just didn't care. That's what I experienced. You know.

Q. Prior to the incident that led to you being in the back of this police vehicle, did you sit in the back seat of any vehicle?

A. No. No, no, no, no, no.

Q. Is it fair to say that, generally speaking, you would perhaps have some discomfort given your size sitting in the back of any vehicle?

A. No, no, no, no, no, no. No, no. Let's not get into. I can sit in the back seat of my vehicle and I can be okay. The back seat of that vehicle, the police vehicle, is designed -- and it'll come out -- is

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designed deliberately to turn around and make...

(Audio distortion.)

Q. You're cutting out, Mr. LeGree. You're trailing off again. I didn't get the response. Could you start over?

A. Yeah. I said that particular vehicle was designed specifically to make it uncomfortable for the passenger in the back seat, which is more than likely going to be that person that they arrest. All you have to do is take the measurement. I know a Ford Explorer and I know what a Ford Explorer is like when it's not a police vehicle. And I know now with the police vehicle the Ford Explorer is, like -- there's not enough room. And that's a tactic. That's a tactic. It will come out. Like I said --

Q. So, Mr. LeGree, I just want to understand. So the type of police vehicle that you were in, are you saying it was a Ford Explorer; is that right?

A. Yeah.

Q. And is that -- could you tell me

P. LE GREE

what type of a vehicle -- is that an SUV?

A. Yeah. That's an SUV.

Q. And do you know the dimensions of the back? Did you take any kind of a --

A. Listen to me. I know the dimensions. I've been to the Ford dealership. I've sat in the Ford Explorer in the front and in the back. And when I sat in the back of that Explorer, that is designed deliberately to frustrate and humiliate the person that's the prisoner in the back.

Q. Okay. I'm going to -- Mr. LeGree, that's not responsive and I'm going to ask that it be stricken -- I'm going to request that be stricken from the record. That's not what I asked you.

A. Oh, you can stricken it but, you know, you got to remember something. You're telling me to relive something and I'm reliving it to you. So I'm not going to be as pleasant about it because they didn't make it as pleasant for me back there. So I'm just telling you straight up how I feel. Like I said, I wasn't -- I understand you don't want

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to hear it because it's not in the best interest because you're on the other side but I'm just --

Q. No, Mr. LeGree, I want to get your -- Mr. LeGree, let's be clear. I want to get your accurate testimony but that's not what I asked you and, frankly, you have no basis for saying what you just said. So what --

A. So you don't want to --

Q. Let me ask you this. Let me ask you this. It's my deposition, Mr. LeGree, with all due respect.

On what do you base your statement that somehow the police vehicle is designed to -- strike that.

At the time of your arrest, sir, you said you're 6 foot 1. How much did you weigh at the time?

A. 317.

Q. And you referred earlier to being in a Ford Explorer on another occasion, not a police vehicle, but another Ford Explorer; is that right?

1 P. LE GREE
 2 MS. STERN: Let's move on if we
 3 can.
 4 Q. So, Mr. LeGree, just for the sake
 5 of clarity of the record, did you or did you
 6 not have more than two shots of cognac on the
 7 day that you were --
 8 A. Ma'am, please move on, Rachel.
 9 Please move on with that.
 10 Q. Sir, do you -- okay. Let me take
 11 you back to the Complaint for a moment. If
 12 you'll bear with me I'll put that up again on
 13 the screen.
 14 And you should be able to see in a
 15 moment I've put back what I marked earlier as
 16 Defendant's Exhibit 1.
 17 And do you see there, sir, in
 18 paragraph 122 it says -- oh, I'm sorry. Yes,
 19 in paragraph 122 it says "The officers again
 20 scolded Mr. LeGree for not walking quickly."
 21 Do you see that, sir?
 22 A. Yes, I see that.
 23 Q. Was there a time that the officers
 24 scolded you for not walking quickly?
 25 A. Yes.

1 P. LE GREE
 2 A. Yes, she did.
 3 Q. What did she say to you?
 4 A. Told me that I had to get in
 5 there, I wasn't getting in there quick enough
 6 for her.
 7 Q. And did any of that have to do
 8 with the fact that you had been drinking, sir?
 9 A. No. Had the fact to do with it
 10 was too small.
 11 Q. Were you injured at all in the
 12 accident prior to the arrest in 2019?
 13 A. No. It wasn't that type of
 14 accident.
 15 Q. And did there come a point in
 16 time, sir, where you left the cell in the
 17 precinct and went to Central Booking?
 18 A. Yes.
 19 Q. And about how long were you in the
 20 cell before you went to Central Booking?
 21 A. I don't remember.
 22 Q. If I could please direct your
 23 attention to paragraph 124, the Complaint
 24 says: "Once inside the precinct, Mr. LeGree
 25 was placed in a cell alone for three to four

1 P. LE GREE
 2 Q. And what did they say to you?
 3 A. Come on. You're not walking quick
 4 enough. That's what they said basically.
 5 Q. And who said that to you? Which
 6 officer?
 7 A. The one that I mentioned her name.
 8 Tartarone.
 9 Q. Did the other officer say anything
 10 to you?
 11 A. No, because she had driven the
 12 other car.
 13 Q. So you never engaged in any
 14 conversations with the other officer, correct?
 15 Only with Ms. Tartarone, correct?
 16 A. Right.
 17 Q. Now, if I could please direct your
 18 attention to paragraph 114, that says, "One of
 19 the NYPD scolded Mr. LeGree for his
 20 difficulties in entering the police vehicle."
 21 Do you see that?
 22 A. Yes.
 23 Q. At any point in time did Ms.
 24 Tartarone scold you for having any
 25 difficulties in entering the police vehicle?

1 P. LE GREE
 2 hours."
 3 Do you see that, sir?
 4 A. Yes.
 5 Q. Do you have a recollection of
 6 being in the cell for three to four hours?
 7 A. Yeah, because they got me there
 8 about 1 now something. And I think they took
 9 me down there about 5, 6 in the morning.
 10 Q. And when you say took you down
 11 there, do you mean Central Booking?
 12 A. That's correct.
 13 Q. And at the time that you -- while
 14 you were ten precinct in the cell, did you ask
 15 any officer for anything?
 16 A. Where at?
 17 Q. While -- during the time that you
 18 were in the precinct in the cell, did you, for
 19 example, ask to use the restroom?
 20 A. No.
 21 Q. Did you ask for anyone to do
 22 anything else for you?
 23 A. No.
 24 Q. So during the time that you were
 25 in the cell at the precinct, did you have any

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do that on your own that I got to ask if you see me and I'm not moving fast enough that you would assist me. So for me to ask that question to me is irrelevant.

Q. Okay. Well, I mean, I appreciate your impression, Mr. LeGree, but I'm asking you if you asked either of the two officers --

A. No, I did not ask for they help.

Q. And once you were out of the vehicle how did you get into Central Booking? Did an officer also -- did Ms. Tartarone again assist you to get into Central Booking?

A. I had to go and go up some steps. And, like I said, just walk alongside me with my hands handcuffed behind by back.

Q. So that was still Ms. Tartarone that guided you into the Central Booking facility; is that right?

A. Um-hum.

Q. And did the other officer stay in the vehicle or did the other officer also go into Central Booking?

A. I don't even remember that.

Q. But do you remember Ms. Tartarone

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helping you into Central Booking, is that fair?

A. Um-hum.

Q. And how did the other gentleman get into Central Booking?

A. I didn't focus on him. I was focused on myself.

Q. Okay. Fair enough.

What happened -- so once you were inside Central Booking where did you go first?

A. I guess for a place to get processed. And they just took my information and then I had to go down steps to see the judge which that's where I could have really fell and another -- there was an officer there at the thing that saw me go down the steps with my hands handcuffed behind my back and he turned around and he looked and he shook his head and he turn around and he unhandcuffed my hands from behind my back and put it in front of me. And I told him thank you.

Q. And did Ms. Tartarone remain with you as you navigated the steps to go see the judge?

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A. She was just there just to be there. I don't know.

Q. Was she still, as you put it earlier, sort of propped up against you, alongside you, guiding you on the stairs?

A. No. Just watching. Just watching. That's all.

Q. And the officer that you just mentioned who rehandcuffed you, did he assist you in any way as you were walking down the stairs?

A. No. He assisted me and he put the handcuffs in front and I think he gave me the cane for the period of time for me to be able to get down the steps properly.

And then, you know, right after I got at the bottom then he took the cane back. That's all.

Q. I see. So the officer let you use your cane to navigate the stairs and then --

A. Right. Yeah, that was the one that was there. I guess he was positioned there at Central Booking.

Q. I see. And do you remember that

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gentleman's name?

A. No.

Q. And then what happened you went before the judge?

A. Turned around and I got a -- first I got a lawyer, the lawyer. And next thing you know she let me free. Set me free. I was able to go home that morning. So I was able to -- you know, I got my cane and I was able to get a cab to go home.

Q. So when -- at the time that you were released from NYPD custody, were you given back your belongings that you told me about earlier that were vouchered in addition to your cane?

A. Yes.

Q. Have you ever spoken with former NYPD Commissioner James O'Neil?

A. I don't know who that is.

Q. Have you ever spoken with current NYPD Commission Dermot Shea?

A. No.

Q. Have you ever spoken with a police officer named Robert Bernhardt?

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was an officer, a gentleman who uncuffed you and gave you your cane so you could use that to go down the stairs, correct?

A. Yeah.

Q. Just for the sake of clarity, was there any time when you were in the NYPD custody where you had to descend stairs without your cane?

A. No. It was when they took me to Central Booking. Well, the other time was when I was going to get into the police car to go down to Central Booking, which those were a few steps. But they weren't like the ones at Central Booking because they had us basically going down -- up or down a staircase.

So that's why, like I said, with my hands being basically handcuffed behind me, and trying to hold onto the handrail, walking with my back against the handrail and going down steps. And, like I said, he just shook his head and I had to thank him because he knew that that's not right. They got the man cane right there and the man is coming down the steps with his hands behind his back with

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no cane. You know, he was --

Q. So, Mr. LeGree, I just want to make sure I understand. So there was that time when you were going down the stairs at Central Booking to see the judge that the officer gave you your cane so you could use it to go downstairs. Were there other times when you were actually going down any set of stairs while you were in police custody?

A. I told you that was the first time was when they was taking me out because they had a little bit of steps there at the precinct there, at the 49th.

Q. I thought you said you had to go up two steps. Did you otherwise have to go down any other stairs other than at Central Booking?

A. Yeah, yeah, yeah. Remember, I had to come up two steps and to leave out from there to go to Central Booking I had to go down two steps. So...

Q. I just want to make sure I understand all of the instances where you went down steps. So we've got -- just bear with

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me.

So we've got the instance where you were at Central Booking and you were going to the judge and you were going down the staircase and the officer uncuffed you and gave you your cane so you could use it to walk down the stairs.

A. Actually, he uncuffed me from behind my back and put the cuffs in front so I could still hold the cane going to down the steps. You know what I mean? That's what he did. And, like I said, I thanked him for it. So he -- like I said, I'm not trying to color that all NYPD were messed up. You know, he was smart enough to recognize that where the other ones did not care. Okay?

Q. But were there other instances where you had to go down any set of stairs other than that?

A. No. That was it.

Q. Okay. And then in terms of going up stairs I understood you to testify earlier that you just had to -- getting into the precinct you had to go up two steps; is that

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right?

A. It was -- yeah, two sets of steps, yeah.

Q. When you say two sets of steps, do you mean two steps or something other than that?

A. Like, you go, and then one two, and then you walk up, maybe like one two, and that's it.

Q. And in that instance where you're walking up those stairs to get into the precinct were you using your cane or not?

A. No. In that instance my hands was behind my back and they had my cane.

Q. And at that time was Officer Tartarone next to you as you were -- and holding you as you were going in?

A. She was just walking alongside me. That's all.

Q. And did she -- was she physically -- did she hold onto your arm or anything?

A. No.

Q. Did she help up those steps in any

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way?

A. She waited for me to take my time to come up those steps.

Q. And you were able to go up those steps on your own?

A. Yeah. Just took me a little while because I had to take my time, you know. So...

Q. Do you have any steps in your apartment, sir?

A. No, I do not.

MS. MARCOCCIA: Okay. With that, that's all I have for today, again, just subject to getting the additional medical records and if there's anything in there that we need to ask Mr. LeGree about. And it would just be focused on any other content that we do not have to date. So with that, we can conclude for the day. And I appreciate your time, Mr. LeGree. (Continued on next page to include jurat.)

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THE WITNESS: Okay. Thank you.

THE COURT REPORTER: We're off the record.

(Time Noted: 4:43 p.m.)

JURAT

I, _____, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on _____; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this ____ day of _____, 20____, at _____.

SIGNATURE OF WITNESS

CERTIFICATE STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, FRANCIS X. FREDERICK, a Notary Public within and for the State of New York, do hereby certify:

That PHILIP LEGREE, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of February, 2022.

FRANCIS X. FREDERICK